

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

JOE H. BRYANT, JR.

PLAINTIFF

v.

CAUSE NO: 3:05-cv-179 TSL

MISSISSIPPI MILITARY DEPARTMENT, et al.

DEFENDANTS

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**MOTION FOR SUMMARY JUDGMENT FILED BY ALL DEFENDANTS  
(Except Gregory Malta)**

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The defendants (with the exception of Greg Malta who represents himself) move the Court for summary judgment on all claims made by the plaintiff.

The crux of the plaintiff's complaint is that the defendants retaliated against him after he reported allegations to the Inspector General of the Air Force. The various acts of retaliation are enumerated in paragraph 43 of the Amended Complaint. Based on these alleged acts of retaliation, Bryant pled 11 counts under the following statutes and/or common law:

1. Violated the Military Whistleblower Protection Act.
2. Violated the First Amendment to the U.S. Constitution.
3. Violated 42 U.S.C. §§ 1983 and 1985, 1986 and 1988.
4. Violated the Miss. Whistleblower Protection Act.
5. Intentional infliction of emotional distress.
6. Negligent infliction of emotional distress.
7. Interfered with Bryant's employment with FedEx.
8. Placed Bryant in a false light.
9. Temple and Wilkes engaged in assault and battery.
10. Vandalized personal property.
11. Engaged in a civil conspiracy to harm Bryant.

Amended Complaint ¶¶ 48-78. Counts 1-4 were made in the original complaint. Document 1. Counts 5-11 were added in the Amended Complaint. Document 88.

The movants seek summary judgment on all claims. As a matter of law, the plaintiff has not stated a claim for relief under Counts 1-7. In addition, the plaintiff has not come forward with any facts to support his allegations that the defendants engaged in any of the acts of vandalism that he alleges were committed against him. Further, the assault and battery allegation should be dismissed because it is barred by the statute of limitations.

For the other reasons stated in the defendants' accompanying memorandum, the movants request that the Court dismiss the complaint with prejudice and enter a judgment in their favor.

Dated: December 7, 2006.

Respectfully submitted,

/s/ Michael Farrell

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CERTIFICATE OF SERVICE

I certify that on December 7, 2006, I had this document electronically filed with the Clerk of the Court using the ECF system which should have sent notification to the following:

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